

**WEST VIRGINIA VETERANS COUNCIL
VFW POST 3466
SEPTEMBER 17, 2010
MEETING MINUTES**

Meeting called to order by Chairman Epling. Ralph Stump led the invocation and Randal Bare led the Pledge of Allegiance. Those members present were Mr. Miles Epling, Mr. Patrick Farrell, Mr. Fleming, Mr. William "Bill" Harris, Mr. Ralph Stump, Ms. Debra Tompkins (on her way), and Mr. Robert Vass. Mr. Randal Bare and Mr. Cedric Greene were absent.

OLD BUSINESS

Motion made and passed to accept the minutes for June 25, 2010.

- Notification has been sent out for van drivers to the hospitals to require a four hour minimum per round trip, effective August 1st, 2010.
- Medal of Honor plaques at the Veterans Nursing Facility at Clarksburg:
The bid is at purchasing to buy these plaques and have them placed.

Mr. Gwinn was questioned if anyone had contacted Mr. Williams regarding the art work. Mr. Gwinn answered "Yes, Mr. Williams was contacted & has reviewed & helped with some of the information to be on the plaques." (Response) Mr. Williams had expressed more interest in someone following up with him again. Mr. Gwinn stated that he thinks Mr. Williams is just waiting to see when we will be putting them up.

DIRECTORS REPORT

- Keith Gwinn, Director, Veterans Affairs informed the Council that Mrs. Walker, Administrative Secretary, is no longer working for Division of Veterans Affairs. Mr. Gwinn introduced Ashley Richmond from the Dpt. of Juvenile Services as the temporary replacement.
- Cemetery groundbreaking is tentatively set for October 14th. Everything is printed and ready to go. We are currently waiting for the final ok to make it official and to mail out invitations for the Ground Breaking Event at the State Police Academy. Invitations are ready (Ashley has been working on these).
- Last evening at the Veteran's Nursing Facility, a gentleman blacked out in a van running over a chain link fence and then into the side of the building, about 1'

½" into the building. Luckily, the air conditioning unit stopped most of his momentum, but there was damage to the building. The gentleman was injured when he hit the building. The building has been cleared but still used for access. This was the corridor between the Federal VA side and the main floor where he took the meals. Meals are being transported to another direction. People are coming to look at and see how fast we can get it repaired. The State Insurance Board has been notified. This was a private van, not one of our van drivers. No record of his condition as of 7pm last night but he had just been released from the VA Medical Center.

- The Governor has approved us to relocate the Veterans' Affairs offices close to campus at WV State (Rehab Center) on November 1st. This will be an increase of space, include a conference room and allow each individual Service Officer to have an office of their own. There will be 100 parking spaces for Veterans Affairs and there are handicapped spots located in front of door.
- We have two Service Officers moving on: Marty Gilchrist, the Service Officer from Parkersburg has retired. Also the Service Officer from Spencer has moved up to the Parkersburg area. We have temporarily replaced the Spencer position, so right now we have a vacancy in Huntington.
- We have interviewed the cemetery positions for Administrator of Cemetery. Stacy Brown has been head of that committee to interview and she will be making an announcement next week.

LAST

Chairman Epling requested Council Members to give a good hand to Marty upon his retirement stating "Marty did an outstanding job as Veterans Officer." (Applause) "We appreciate what you did".

VETERANS HOME

Stacy Brown, Administrator over WV Veteran's Home in Barboursville, introduced herself and presented the following report.

- As of August, 2010 we had 12 applications for admission.
- Three of these applications were denied, usually due to medical information or failure of drug testing. One was a former resident denied due to inappropriate behaviors and another did not meet the honorable discharge status.
- There were two applications withdrawn.
- We had a total of six discharges. One was due to medical, four were volunteer, and we had one gentleman who died of a heart attack on the premises.
- A total of 97 residents remaining at the end of month.

- As of September 15th, we have 100 residents. Seem to always keep to around 100 – leveling off at this number.
- Due to a change in policy, we have a lot more of out of state applications.
- Three admissions so far with two more applications received.
- Request for discussion of “active duty status”. Nothing for Council to take action on at the moment. However with regard to many Reserves, as well as Air and Army National Guardsmen, their roles have changed and they are now participating more in active duty and being deployed longer. A lot of them are seeing action, being wounded and things of that nature. However, when they come back home and when they retire, it won’t show “active duty” status. Concern that on the DD form 214, should we make sure or change – maybe in the future. I just learned from attending the National Veterans’ Home Administrator Conference in Nevada, several states are changing their policy and allowing those that were retired guardsmen...unsure of stipulations, but we might want to consider because things have changed so much in “who they are calling up” and DD 214 currently as it states is “active duty” status. As time goes by, maybe not right now, but with the next field of veterans- who were in Operation Desert Storm and Desert Shield and on. It’s sad because they have to serve so long on “active duty” and sometimes even injured- but it’s not considered “in combat” – food for thought. Further discussion....a suggestion was made to encourage the Dept. and Mr. Gwinn to research the impacts that any kind of change allowing this clarifying of the rules would have on the home and then take into consideration how we can better serve the veterans in the long term.
- Question regarding how to determine if “out of state” veterans’ are housed in the home – still the same as far as DD 214, status of honorable discharge, etc. If it comes down to only a few beds left, naturally we’re going to give it to a WV resident....but if we have plenty of room, we welcome out of state.
- We have turned away a handful of Guardsmen since I have been on board which is not quite a year yet. Response – As far as I’m concerned, a handful is too many. Representing the Iraq and Afghanistan Veterans on this Council, I understand completely that the demographics have changed from the previous conflicts that we’ve had. This is going to continue, and it’s going to be an issue not just for the home, but across the board, in the state and at the national level with the VA and those things are being addressed. So, I encourage that you find the information that we have, provide to Mr. Gwinn and we will address this appropriately to make sure we’re taking care of all the people that we can especially when we have capacity that we’re not filling.

- Update on the smoking issue: We have currently bid out the construction of a smoking building. Not going completely smoke free until building is up and running. No smoking in the recreation building – Still allowing guys to continue to smoke in dorms, with realization that things will be continuing to change. Building will be heated & cooled– for all weather type purposes. No other concerns or issues with outside public or Health Dpt. - The Health Dpt. has requested a projected time line. Hopefully within next year, building will be up.

NEW BUSINESS

- Discussed having next meeting at the new WV Division of Veterans' Affairs Headquarters at WV State College Rehabilitation Services, - J Building. Notices will be sent prior to next meeting.
- State Commander, Dennis Rayburn - Expressed for the interests of the Veterans of the State of WV and especially those who served in Reserve situations- A law was passed by the Legislature of the State of WV – The WV Uniform Code of Military Justice. This law as it was promulgated in code exceeds what Title 32 of the United States Code recommends for those purposes. The concern is that individuals, whether retired or currently serving, are subject to prosecution and excessive penalty under the Judicial Court. The question is not whether the State of WV has authorization to have a UCMJ, but it needs to be properly amended. We cannot allow retirees to be drawn back in and prosecuted if someone wants to make a question about the circumstances of their retirement or if an individual who is an MD soldier who is charged by the police, or for any other circumstance is charged, the State of WV does not prosecute. Under this UCMJ, the reserve services can prosecute that individual for a situation or circumstances that had nothing to do with their Military Service. Understand proper Military Service is important, but reservists are reservists and they do not serve 24/7. Must maintain their preparation and circumstances to serve. The law, as it has been written, opens individuals to excessive damage that is unnecessary and not appropriate. I'm asking Council to advise the Governor to amend that document to make it agree with Title 32 to reduce the penalties to not be as harsh for "active duty service". Mr. Gwinn noted that Senator Wells is aware and working on this, and that he was quite concerned since he is a Reservist. (Question was raised at latter part of meeting by Mr. Johnson, VFW – wanting more clarification on this law.) **Note: Can access Title 32 US Code and WV code by going online to the Cornell law library.
- Marty raised the question of whether there might be a less expensive alternative to constructing a "smoking facility", such as designating a smoking room in one of the buildings that currently exists. Stacy responded that this expense is being

lumped in with some other needs that we had on the grounds. Marty thinks assessment needs to be done.

- Marty received a call from a fellow from Clarksburg to do claim work. This gentleman has the understanding that VSO now work 4 days and shut down 1 day to do paperwork. – Mr. Gwinn is not aware of this...will check into. (Jim noted later in the meeting that he has received about six complaints about Clarksburg and Mr. Gwinn responded that we've been missing a person who has been out for about four months on extended sick leave and will have to be terminated Monday. Mr. Gwinn will have this taken care of this afternoon.)
- Mr. Harris comparison between Clarksburg & Pittsburgh and was told that Clarksburg is head and shoulders above Pittsburgh. Glad to hear this.
- Chester appealed to Veterans Organization with regard to Veterans getting Federal jobs. Veterans are not currently classified as a Federal Employee and they should be. If a Veteran is not a government employee, then who is? Most of these jobs are not open to the public. Urge to take this cause up and notify our congressional representatives. This would make a big difference in him getting these jobs.
- Gratitude expressed to VFW and American Legion for hosting today's meeting.
- Mr. Vass offered the benediction
- Meeting adjourned

Minutes approved by Veterans Council Chairman, Miles Epling.